

**STATE OF CONNECTICUT  
DEPARTMENT OF DEVELOPMENTAL SERVICES**

**Policy No.:** I.F.PO.002

**Subject:** Transfer

**Section:** Human Rights and Legal Responsibilities

**Issue Date:** June 28, 2010

**Effective Date:** Upon Release

**Approved:** /s/Peter H. O'Meara/KdP

**A. Policy Statement**

The purpose of this policy is to articulate the due process rights of individuals and the individual's parent, guardian, conservator or legal representative when a transfer is proposed from a residential facility that is operated, licensed, or funded by the DDS, to another such program for any reason other than a medical reason, an emergency or because the facility is being closed. In the case of a transfer for other than a medical reason, an emergency, or facility closure, the individual has the right to prior notification of the transfer and to a Uniform Administrative Procedure Act (UAPA) hearing to object to the transfer.

**B. Applicability**

This policy shall apply to any individual who is a consumer of the Department of Developmental Services and who resides in a residential facility that is operated, licensed, or funded by DDS.

This policy does not apply to an individual transferring from one residential unit to another within the training school or regional center. .

**C. Definitions**

The following definitions apply to this policy and the associated procedure.

DDS: Department of Developmental Services, also known as the department.

Emergency Transfer: The transfer of an individual from any residential facility that is operated, licensed, or funded by the DDS to another such program due to a medical reason or an emergency.

Hearing: The administrative proceeding that is held in accordance with relevant provisions of Chapter 54 of the Connecticut General Statutes governing the Uniform Administrative Procedure Act.

Hearing Officer: A person appointed by the Commissioner of the DDS to conduct a hearing in accordance with the relevant provisions of Chapter 54 of the Connecticut General Statutes governing the Uniform Administrative Procedure Act.

Individual: Any person residing in a residential facility operated, licensed or funded by the department.

Notice of Intent to Transfer: In cases other than because of a medical reason or emergency, the written notification from the DDS of the proposed transfer, sent to the individual and the individual's parent, guardian, conservator, or other legal representative and the Office of Protection and Advocacy for Persons with Disabilities at least 10 days prior to the proposed transfer.

Office of Protection and Advocacy for Persons with Disabilities (OPA): The state agency authorized to receive notice of the transfer of an individual from a residential facility that is operated, licensed, or funded by the DDS to another such program.

Planning and Resource Allocation Team (PRAT): A team of DDS employees in each region that functions to manage the allocation of resources to individuals, including residential placement opportunities.

Planning and Support Team: The group that includes the individual, the individual's parent, guardian, conservator or legal representative, case managers and support service representatives who develop the individual plan.

Transfer: The move of an individual from a residential facility operated, licensed, or funded by the DDS to another such program.

Transfer Rights: The due process right of the individual and the individual's parent, guardian, conservator, or other legal representative to object to a proposed transfer. In the event of an objection to the proposed transfer, the transfer shall be stayed pending the outcome of the hearing as defined above.

Uniform Administrative Procedure Act (UAPA): The fair hearing process governed by Chapter 54 of the Connecticut General Statutes.

## **D. References**

### Connecticut General Statutes

Sections § 17a-210 et seq.: Department and Commissioner of Developmental Services  
Chapter 54 et seq.: Uniform Administrative Procedure Act

### Regulations of Connecticut State Agencies

Section 17a-230-13

### External

#### Federal Registry

42 C.F.R. 442.1 through 442.119 – ICF/MR Regulations